GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Commercial Taxes Department – Allegations of corruption against Sri K.Chinna Swamy, former Asst.Commercial Tax Officer, Circle No.I, Gudiwada, Krishna District (now retired)– Criminal case – Charge sheet – Convicted – Dismissed from service – Criminal Appeal allowed – Retired – SLP No.89/2009 filed by Government – Allowed –Trial court judgment upheld – Punishment of withholding of pension and gratuity in full and permanently under A.P.Revised Pension Rules, 1980 – Imposed - Orders – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Ms.No.287 Dated : 06-08-2015
Read the following :

1. From DG., ACB., Lr.No.54/RC7-VK Y/95, dt.26-09-1995.
2. Judgment of Hon`ble Spl.Judge for SPE & ACB cases, Vijayawada in CC No.04/1996, dt.29-12-2000.
3. Progs.No.A1/1109/95, dt.24-01-2001 of DC (CT), Division 1, Vijayawada.
4. Judgement of Hon`ble High Court dt.25-4-2006 in Crl.Appeal No.27/2001.
5. From DG., ACB, Hyderabad Lr.No.54/RCT-VKI/95-S9, dt.31-08-2006.
6. Goverment Memo No.22905/Vig.I(2)/2001-4, dated 11-10-2006.
7. Orders of the Hon`ble APAT in OA No.7255/2007, dated 22-04-2010.
8. From DG., ACB, Hyd., Rc.No.54/RCT-VKI/1995-S9, dated 17-10-2011.
9. G.O.Rt.No.963, Rev (Vig.I) Dept., dated 12-07-2010.
10. Judgement of Hon`ble Supreme Court, New Delhi, in SLP No.89/2009 dated 06-05-2015 received from DG, ACB, AP, Hyderabad, vide Lr. C.No. 54/RCT-VKI/1995, dated 29-06-2015.

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O R D E R :

Whereas, a criminal case has been registered by the Director General, Anti Corruption Bureau, Hyderabad against Sri K.Chinna Swamy, former Assistant Commercial Tax Officer, Circle No.I, Gudiwada, Krishna District (now Retd.) on the allegations of demand and acceptance of bribe amount from the complainant for doing official favour, vide reference 1st read above. The Hon`ble Special Judge for Special Police Establishment & Anti Corruption Bureau cases, Vijayawada has passed judgement in CC No.04/1996 finding the Accused Officer as guilty of the charge and convicted him, vide reference 2nd read above. Accordingly, the Deputy Commissioner, Division – I, Commercial Taxes, Vijayawada has issued orders dismissing Sri K.Chinna Swamy, former Assistant Commercial Tax Officer, Circle No.I, Gudiwada, Krishna District (now Retd.) from service with immediate effect, vide reference 3rd read above.

2. And whereas, Sri K.Chinna Swamy, former Assistant Commercial Tax Officer, (now Retd.) aggrieved by the trial court judgement, has filed Criminal Appeal No.27/2001 and the Hon`ble Andhra Pradesh High Court, Hyderabad has allowed the Criminal Appeal and set aside the conviction and sentences awarded by the Hon`ble Trial Court, vide reference 4th read above.

(p.t.o)

3. And whereas, the Government after examining the judgement of Hon`ble High Court of Andhra Pradesh, Hyderabad with the proposal received in the reference 5th read above, have accorded permission to the Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad to file Special Leave Petition before the Hon`ble Supreme Court of India, New Delhi against the judgement of the Hon`ble High Court, vide reference 6th read above. Accordingly Special Leave Petition No.89/2009 has been filed.

4. And whereas, in the meantime, Sri K.Chinna Swamy, former Assistant Commercial Tax Officer, (now Retd.) has filed O.A.No. 7255/2007 to re-instate him into service and to treat the suspension period as on duty with all consequential benefits as the Hon`ble High Court has set aside the trial court judgment dated 29-12-2000 and the Hon`ble Andhra Pradesh Administrative Tribunal, Hyderabad has allowed the Original Application, vide reference 7th read above. The Accused Officer had retired from service by the time the Hon`ble Tribunal has passed the above judgement.

5. And whereas, the Government after examining the matter have decided to implement the judgement of Hon`ble Andhra Pradesh Administrative Tribunal, Hyderabad and issued orders vide reference 9th read above, treating the suspension period of Sri K.Chinna Swamy, former Assistant Commercial Tax Officer, (now Retd.) from 08-08-1995 to 24-03-1999 as duty for the purpose of calculation of Annual Grade Increments and other benefits besides treating that the Accused Officer notionally under deemed re-instated into duty w.e.f 25-04-2006, (i.e., the date on the Hon`ble High Court of Andhra Pradesh, Hyderabad has allowed the Criminal Appeal No.27/2001 filed by him and set aside the trial court judgement to till his date of retirement on superannuation) and that he would not be entitled to monetary benefits for the period under suspension except for subsistence allowance since he did not work during the suspension period and also sanctioned provisional pension as calculated after allowing above mentioned benefits, pending disposal of the Special Leave Petition filed against the orders of Hon`ble Court in Criminal Appeal.

6. And whereas, the Hon`ble Supreme Court of India, New Delhi has allowed Special Leave Petition No.89/2009 and set aside the judgement passed by the Hon`ble Andhra Pradesh High Court, Hyderabad in Criminal Appeal No.27/2001 dated 25-04-2006 and restored the judgement of conviction and sentence as recorded by the trial court in CC No.04/1996 dated 29-12-2000 passed against Sri K.Chinna Swamy, former Assistant Commercial Tax Officer, (now Retd.) and further ordered to take the Accused Officer into custody forthwith to undergo the sentence as awarded.

7. Government after careful examination of the matter and in exercise of the powers conferred under Sub-Rule (2) of Rule 8 and Sub-Rule (1) of Rule 9 of Andhra Pradesh Revised Pension Rules, 1980, read with instructions issued in G.O.Ms.No.2, General Administration (Ser.C) Department, dated 04-01-1999 & Memo No.178/Spl.C/2003-1, General Administration (Spl.C) Department, dated 07-05-2003, hereby order to impose the penalty of withholding of entire pension and gratuity in full and permanently against Sri K.Chinna Swamy, former Assistant Commercial Tax Officer, (now Retd.) with immediate effect.

(Contd..)

8. The Commissioner of Commercial Tax, Andhra Pradesh, Hyderabad, shall take necessary action accordingly.

NOTIFICATION

9. The following notification shall be published in the extraordinary issue of the Andhra Pradesh Gazette dated 11-08-2015

Government in exercise of the powers conferred under Sub-Rule (2) of Rule 8 and Sub-Rule (1) of Rule 9 of APRPR, 1980, read with instructions issued in G.O. Ms.No.2, General Administration (Ser.C) Department, dated 04-01-1999 and Memo No.178/Spl.C/03-1, General Administration (Spl.C) Department, dated 07-05-2003, hereby impose the penalty of withholding of entire pension and gratuity in full and permanently against Sri K.Chinna Swamy, former Assistant Commercial Tax Officer, (now Retd.) with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri K.Chinna Swamy, Assistant Commercial Tax Officer, (now Retd.)
(through the Commissioner of Commercial Taxes, A.P., Hyderabad)
The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.
(with a request to serve the order to the individual and furnish the served copy with dated signature to Government)
The Commissioner of Printing, Stationery & Stores Purchase, AP, Hyderabad.
(with a request to publish the G.O. in the extraordinary Gazette and furnish 10 copies to Government)

Copy to:
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Hyderabad.
The Director General, Anti-Corruption Bureau, Hyderabad.
The Deputy Commissioner, Commercial Taxes, Division No.1, Vijayawada.
The Pay and Accounts Officer, A.P., Hyderabad.
The Director of Treasuries & Accounts, Andhra Pradesh, Hyderabad.
The Accountant General, Andhra Pradesh, Hyderabad.
The Revenue (CT-I) Department.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER